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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,684	04/10/2001	Steffen Hofacker	Mo-6019/LeA33,933	9248

157 7590 12/12/2002

BAYER CORPORATION
PATENT DEPARTMENT
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EXAMINER

AHMED, SHEEBA

ART UNIT PAPER NUMBER

1773

DATE MAILED: 12/12/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/829,684

Applicant(s)

HOFACKER ET AL.

Examiner

Sheeba Ahmed

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 30 September 2002 .
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1,2,4,7-9,11 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1, 2, 4, 7-9, 11, and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____ .
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Response to Amendment

1. Claims 1, 8, and 9 have been amended in the above-identified application. Claims 3, 5, 6, 10, 12, and 13 have been cancelled. **Claims 1, 2, 4, 7, 8, 9, 11, and 14 are pending.**

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 2, 4, 7-9, 11, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claim 1 has been amended to recite that the zinc oxide coating “does not show scattering and absorption of visible light”. It is unclear what is meant by the above phrase given that materials show some degree of absorption or scattering of visible light. Clarification or appropriate amendment is required.

Furthermore, independent claim recites that the zinc oxide particles are “embedded in an organosilane as the binder resin” however there is no antecedent basis for “the binder resin”. The Examiner recommends amending the phrase “the binder resin” to “a binder resin” or recommends amending the claim to provide appropriate antecedent basis for “the binder resin”.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4, 7-9, 11, and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (US 6,319,594 B1).

Suzuki et al. recite a film comprising a transparent substrate film, a transparent conductive layer containing zinc oxide (**corresponding to the zinc-oxide layer of the claimed invention**) and a low refractive hardcoat layer (**corresponding to the abrasion-resistant outer layer of the claimed invention**) (Column 2, lines 6-12). The transparent substrate film may be polyamide, polypropylene, polymethyl methacrylate, or polycarbonate (**corresponding to the transparent plastic layer of the claimed invention and meeting the limitations of claim 8**) (Column 2, lines 56-67). The transparent conductive layer comprises conductive fine particles such as zinc oxide embedded in a curing resin such as an organosilicon compound (**hence the Examiner takes the position that the zinc oxide particles are inherently surface modified by the organosilicon compound which surrounds the zinc oxide particles**). Examples of such organosilicon compounds include glycidoxypolytrimethoxysilane (**thus meeting the limitations of claims 4, 7, and 14**) (Column 3, lines 4-65 and Column 4, lines 24-35). Example 1 shows that the low refractive hard coat layer may be formed by a SiO₂ sol (**thus meeting the limitations of claims 2 and 9**).

Suzuki et al. further teach that their low reflective hardcoat film comprises an additional hardcoat layer under the low refractive hardcoat layer and that this additional hardcoat layer has a hardness high enough to withstand scratching.

However, it would have been obvious to one having ordinary skill in the art to omit the additional hardcoat layer under the low refractive hardcoat layer given that the low refractive hardcoat layer provides the same function as the additional hard coat layer, i.e., it provides enough hardness to withstand any scratching to the laminate.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 2, 4, 7-9, 11, and 14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheeba Ahmed whose telephone number is (703)305-0594. The examiner can normally be reached on Mon-Fri 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau can be reached on (703)308-2367. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-5408 for regular communications and (703)305-3599 for After Final communications.


Sheeba Ahmed
December 10, 2002


Paul Thibodeau
Supervisory Patent Examiner
Technology Center 1700